

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

United States of America

v.

Marquez Davis

Case No. 24-mj-4430

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 15, 2024 in the county of Davidson in the
Middle District of Tennessee, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. Sections 922(g)(1) and
924

Felon in possession of a firearm

This criminal complaint is based on these facts:

See attached Four-Page Statement in Support of a Criminal Complaint

☒ Continued on the attached sheet.

Reuben Theodore (Electronically via Telephone)

Complainant's signature

Reuben Theodore, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/17/2024

City and state: Nashville, Tennessee



2121rnewbern
Judge's signature

stair E. Newbern, U.S. Magistrate Judge

Printed name and title

STATEMENT IN SUPPORT OF A CRIMINAL COMPLAINT

1. Your affiant, Reuben Theodore, is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) and has been so employed since May 2022. I am currently assigned to ATF Group V in Brentwood, Tennessee. Prior to being an ATF Special Agent, I was an active-duty Lieutenant with the U.S. Coast Guard for 12 years. In that role, I investigated narcotics distribution, human trafficking, and other offenses. As an ATF Agent, I have attended training at the Federal Law Enforcement Training Center in Brunswick, Georgia. I have been trained and have experience in conducting investigations into violations of the Federal firearms laws, the Controlled Substances Act, and other violations of federal law.

2. The facts in this statement come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This statement is intended merely to show that there is sufficient probable cause to establish that a federal offense has been committed. This statement does not set forth all of my knowledge about this matter.

3. Based on the facts set forth in this statement, there is probable cause to believe that on or about October 15, 2024, Marquez DAVIS possessed a firearm after previously being convicted of a felony offense, in violation of Title 18, United States Code, Sections 922(g)(1) and 924.

PROBABLE CAUSE

Shooting Incident

4. On October 12, 2024, Tennessee State University Homecoming festivities were occurring on Jefferson Street and in the Otey Building’s parking lot located at 2701 Jefferson Street in Nashville, Tennessee. The Otey Building, which is a building on Jefferson Street, had multiple cameras filming and recording the festivities in a parking lot adjacent to the Otey

Building. In addition, the Metropolitan-Nashville Police Department (MNPd) had multiple cameras recording activities on Jefferson Street and in the Otey Building's parking lot in a nearby safety camera trailer. While the festivities were underway, a shooting occurred that resulted in numerous individuals being wounded and injured. One of the individuals was fatally wounded. Both the Otey Building and MNPd camera systems captured the shooting incident from multiple angles.

5. In reviewing the video recordings from the shooting incident, MNPd and ATF identified two individuals, DAVIS and another male ("Individual A"), entering the Otey Building parking lot on foot around on 5:05 p.m. Agents also saw another group of individuals entering the parking lot from across Jefferson Street near this timeframe, including the individual who was fatally wounded. Video recordings show DAVIS and Individual A approach members of the other group and appear to exchange words. Video recordings show DAVIS and Individual A pull firearms from their waistline and fire at the individual who was fatally wounded. The individual who was fatally wounded also produced a firearm and shot at DAVIS.

6. As a result of the gunfire from these three individuals and others, multiple bystanders were wounded, including three children. In addition, DAVIS sustained a gunshot wound to his foot or leg. The videos depict Individual A running from the Otey Building's parking lot and DAVIS limping from the parking lot behind Individual A.

7. On October 14, 2024, DAVIS, who was on state probation for a felony offense, reported to a pre-scheduled probation check-in. His probation supervisor noticed his leg was in a medical boot during this check-in.

Arrest and Firearm Seizure

8. Based on their review of the videos, and additional information gathered during their investigation, MNPB obtained state arrest warrants for DAVIS and Individual A for Criminal Homicide. On October 15, 2024, MNPB received information that DAVIS, Individual A, and a female were located at a residence used as an Airbnb on 26th Avenue North in Nashville. MNPB officers subsequently confirmed DAVIS, Individual A, and the female were at this residence. MNPB officers established a perimeter around the residence and directed them to exit the residence. MNPB officers also utilized a helicopter to surveil the residence from the sky.

9. While monitoring the Airbnb residence from the sky, MNPB officers observed an individual wearing a medical boot exit the residence's rooftop, climb to an adjacent residential rooftop, and discard a firearm. MNPB officers subsequently determined that the individual who discarded the firearm was DAVIS. After DAVIS discarded the firearm on the residential rooftop, MNPB officers arrested Individual A outside of the Airbnb residence. Minutes later, MNPB officers arrested DAVIS on a residential rooftop and recovered the firearm that DAVIS discarded. MNPB's identification of DAVIS was based upon observations by officers of DAVIS discarding the firearm on the rooftop and on their identification of him once he was arrested. MNPB officers also discovered a gunshot wound on DAVIS's leg.

10. An ATF Interstate Nexus Expert examined the recovered firearm and determined that it was a Franklin Armory Inc., Model FAI-15 caliber multi pistol. The expert opined that the Franklin Armory Inc., Model FAI-15 caliber multi pistol is a firearm, as defined by Title 18, United States Code, Section 921(a)(3). The expert also opined that it was not manufactured in the State of Tennessee; and therefore, it travelled in and affecting interstate commerce prior to DAVIS's possession of it on October 15, 2024.

11. A review of DAVIS's criminal history reveals that he is a convicted felon. Specifically, he has prior felony convictions for Robbery, Possession of a Schedule I Controlled Substance with Intent to Distribute, and Felon in Possession of a Handgun, in Davidson County Criminal Court in Nashville, Tennessee. Based on DAVIS's prior convictions and sentences, he knew that he was a convicted felon on October 15, 2024.

12. All of the events above occurred in the Middle District of Tennessee.

Conclusion

13. Based on the facts listed above, there is probable cause to believe that on or about October 15, 2024, DAVIS possessed a firearm after previously being convicted of a felony offense, in violation of Title 18, United States Code, Sections 922(g)(1) and 924.